

March 28, 2022

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Submitted via email: mirek.tybinkowski@ontario.ca
and submitted online via Environmental Registry of Ontario (ERO)

Dear Mirek Tybinkowski,

**Re: ERO 019-4967: Municipal Wastewater and Stormwater Management in Ontario
Discussion Paper**

The Ontario Federation of Agriculture (OFA) proudly represents more than 38,000 farm family members across the province, supporting our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. OFA works to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

OFA appreciates this opportunity to provide input to ERO # 019-4967: Municipal Wastewater and Stormwater Management in Ontario Discussion Paper.

While this consultation appears to focus on stormwater and wastewater management in an urban context, it is essential to recognize that agriculture does still occur in urban areas, along the urban fringe, and bordering urban and rural settlement boundary areas. As such, being aware of and mitigating the potential negative impacts of urban-based solutions on agricultural operations is essential. It would be an absolute travesty to have the City of Brampton's approach to municipal stormwater management on agricultural properties repeated anywhere in the Province.

Farmers are integral partners in managing the natural environment. They rely on the air, soil, and water to conduct their business, and as such, have a vested interest in the sustainability of these resources. Because of the nature of agriculture in Ontario, and the fact that farmers interact intimately with the natural environment on a daily basis, an agricultural perspective to water resource management is critical. We therefore encourage ongoing, meaningful inclusion of your sister Ministry of Agriculture, Food and Rural Affairs and the agricultural industry to ensure that agriculture is not negatively impacted but also to maximize the opportunities for stormwater and wastewater management provided by farms.

Fundamental to stormwater management in agricultural areas of the province are municipal drains, as regulated under the *Drainage Act*. We would like assurances that we will not lose the *Drainage Act* and its' provisions through this initiative. These municipal drains are paid for by the landowners who use them. The municipality is responsible for their maintenance, but the cost is

charged back to the landowners. Municipal staff and the consultants they hire may not be familiar with agricultural settings or how the *Drainage Act* functions, leading them to recommend these urban-based approaches, particularly within the urban fringe and along rural residential settlement boundary. Very detailed, accurate guidance must be provided on this to ensure agriculture is appropriately considered. Engaging OMAFRA and the agricultural sector is crucial to ensuring the accuracy of this guidance material.

Reducing Sewage Overflows and Bypasses, and Public Reporting

OFA believes that there should be a requirement for all municipalities across the province to publicly report sewage overflows and bypasses or high discharge volumes as soon as they are aware of the occurrence. There should also be a provincial annual report providing a compilation of all of these occurrences across the Province.

Changing the Way Stormwater is Managed in Urban Areas

The reality is that agricultural operations do exist within urban boundaries, and how these operations are considered in municipal stormwater management (and financing) decisions is crucial. Adjacent agricultural operations may also be impacted given the expanding urban and rural boundary settlement areas. It is inappropriate to group agricultural operations with commercial/industrial activities for stormwater management. If a comprehensive province-wide guidance document is developed, then it must accurately and realistically reflect the realities of water on agricultural properties. The guidance material must also reference the realities of agricultural Municipal Drains under the *Drainage Act*, and the fact that farmers along these drains have been responsible for contributing a significant portion of the costs associated with the both the construction and maintenance of these drains.

Promoting Water Reuse in Ontario

This document provides examples of agricultural water reuse in other jurisdictions. In Ontario, we have the greenhouse sector reusing their nutrient-rich feedwater, and fruit and vegetable operations reusing washwater. These systems were developed with direct input from the impacted agricultural communities. Encouraging agricultural water reuse and water efficient practices is best done through the agricultural community.

Farmers continue to demonstrate their innovation. If the Province wants to encourage water reuse and efficiencies in the agricultural sector, then they must allow the sector to lead as they are best able to determine practical and affordable solutions. The adoption of new technology or practices cannot be hindered by bureaucratic red tape. We do not believe a regulatory framework or guidelines is the appropriate approach as these can often limit or hinder the timely development and implementation of innovative practices.

While the reuse examples provided were innovative, their broader application to an agricultural setting may not be appropriate. The example of Mountain Equipment Co-op in Burlington using stormwater runoff from the parking lot and reusing it for all irrigation is an excellent example of reuse for an urban property. However, this does not translate to an agricultural adoption of irrigating food crops with stormwater runoff from parking lots which may contain gas, oil, and other impurities.

Recovering Resources from Wastewater (biosolids as soil amendment on farms; greenhouse recycling and reuse of wastewater)

We are very happy to see the inclusion of these agricultural examples. We believe that these approaches within the agricultural sector should be voluntary, with cost-share programs available to assist those farmers to adopt beneficial management practices that are appropriate for their operations. It must also be recognized that there are instances where recovering the resources

is not feasible or technologically possible. For example, the Thames River Phosphorous Reduction Collaborative found that in some instances, there is an insufficient concentration of phosphorous in the water coming out of a tile drain for the technology to be able to extract that phosphorous. This points to the need for continued investment into further research.

Improving the Management of Hauled Sewage from Private Septic System

The consultation document states that MECP has committed to continue considering potential changes to the hauled sewage policy and to better protect human health and the environment. Some potential options and approaches include:

- A province-wide phase-out of land application.
- Geographically based local bans based on local municipal wastewater treatment plant capacity.
- New guidelines for treatment, land application and trench disposal of treated and untreated hauled sewage (no bans).

Currently, hauled sewage that is appropriately treated to meet the standards under the *Nutrient Management Act* can be applied to agricultural land. Treated hauled sewage can provide important nutrients and organic matter that benefit the soils. We believe that this option for application of treated hauled sewage on agricultural land should remain throughout the province.

Improving Financial Sustainability

The financial sustainability of managing stormwater and wastewater must NOT be placed on the backs of agriculture. Farmers must not be deemed responsible to pay for the problems caused by urbanization. MECP's "Low Impact Development Stormwater Management Guidance Manual, January 2022" (page 8) states:

"When forest and farm lands are urbanized, porous soils are replaced or covered with impervious materials such as concrete and asphalt which yield high runoff during precipitation events. Consequently, land use changes can lead to a significant and sometimes radical alteration in the prevailing watershed hydrology and the associated water balance."

As previously mentioned, many agricultural properties already pay for the implementation and maintenance of their municipal drains as regulated by the *Drainage Act*. This is a system that farmers know and are generally comfortable with. What is required is educating their municipal partners (councillors and staff) of their responsibilities under this Act. Allowing uninformed decision makers to hold farmers accountable for paying into new, expanding or replacement municipal stormwater or wastewater infrastructure, particularly with incomplete knowledge of the existing circumstances is unacceptable. Unfortunately, this is a problem farmers currently face in some areas of the Province.

Financing of stormwater and wastewater infrastructure must also take a realistic view of the entire water cycle, recognizing the ecological benefits provided by the land. For example, water percolating through soil allows for the filtration of impurities, adds to groundwater recharge, and slows river peaks, potentially mitigating the threat of flooding.

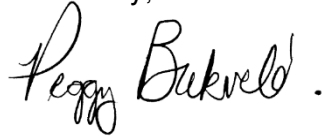
This once again points to the dire need for informed guidance on how to approach agricultural lands with respect to stormwater and wastewater management. Agriculture must not be responsible for financing urban development and the issues it causes to the province's water resource.

It is our hope that the MECP Great Lakes and Inland Waters Branch who is responsible for this consultation, is working closely with MECP's Water Standards Branch who is responsible for the consultation on Low Impact Development (LID) Stormwater Management Guidance Document. It is interesting to note that many of the LID practices advocated for in this guidance document are already in use on many farms in the Province.

As illustrated by our comments above, this document is cause for apprehension by the agricultural community. While we appreciate that the intent appears to focus on managing urban stormwater and wastewater, unfortunately there are farmers who have already been negatively impacted by municipal decisions made based solely on this urban emphasis. While we agree with the need to appropriately manage both municipal stormwater and wastewater, the assumption that agriculture will not be impacted by these decisions is incorrect. It is essential that further efforts on this file actively involve both OMAFRA and the agricultural community to ensure that agriculture is not negatively impacted but also to maximize the opportunities for stormwater and wastewater management provided by farms.

OFA thanks the Ministry for an opportunity to engage in policy development and are always available to discuss the above comments further.

Sincerely,



Peggy Brekveld
President

cc: The Honourable Lisa Thompson, Minister of Agriculture, Food, and Rural Affairs
OFA Board of Directors